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# FEDERAL REGISTER

VOLUME 3 NUMBER 245

Washington, Saturday, December 17, 1938

## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939, Supplement No. 1]

#### PART 701—1939 AGRICULTURAL CONSERVA- TION PROGRAM BULLETIN

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin, as approved November 10, 1938, is hereby amended as follows:

Paragraph (b) of Section 701.3<sup>1</sup> is amended by the addition of the following:

(1) The national and State restoration land goals, as established by the Secretary, are as follows:\*

	Acres
Colorado .....	1,050,000
Kansas .....	925,000
Montana .....	825,000
Nebraska .....	400,000
New Mexico .....	200,000
North Dakota .....	825,000
Oklahoma .....	275,000
South Dakota .....	825,000
Texas .....	550,000
Wyoming .....	125,000
Total .....	6,000,000

Done at Washington, D. C., this 14th day of December, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-3773; Filed, December 15, 1938;  
3:51 p. m.]

<sup>1</sup> 3 F. R. 2718 DI.

\* Issued pursuant to Secs. 7-17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204; 16 U. S. C., Sup. III, 590g-590q.

### TITLE 46—SHIPPING

#### UNITED STATES MARITIME COM- MISSION

[General Order No. 15, Supp. 7a]

MINIMUM MANNING SCALES FOR THE S. S. ROBIN ADAIR, S. S. ROBIN GOODFELLOW, S. S. ROBIN GRAY, AND S. S. ROBIN HOOD, SUBSIDIZED VESSELS OF THE SEAS SHIPPING CO., INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 25th day of August, 1938.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15<sup>1</sup> providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. Robin Adair, S. S. Robin Goodfellow, S. S. Robin Gray, and S. S. Robin Hood, subsidized vessels of the Seas Shipping Co., Inc. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

Ordered, That the minimum manning scales attached hereto for the S. S. Robin Adair, S. S. Robin Goodfellow, S. S. Robin Gray, and S. S. Robin Hood, subsidized vessels of the Operator, be and the same hereby are adopted: *Provided*, that under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of either of said vessels without undue delay, the said

<sup>1</sup> 2 F. R. 2257 (2626 DI).

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scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that suffi-



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The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

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cient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after September 15, 1938, of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of United States Maritime Commission.

W. C. PEET, Jr.,  
Secretary.

MINIMUM MANNING SCALE TO BE OBSERVED ON THE VESSELS ROBIN ADAIR, ROBIN GOODFELLOW, ROBIN GRAY AND ROBIN HOOD OF THE SEAS SHIPPING CO., INC.

Rating	Minimum
Deck department:	
Master.....	1
Chief Mate.....	1
Second Mate.....	1
Third Mate.....	1
Cadet Officer or Cadet.....	1
Radio Operator.....	1
A. B. Seamen.....	6
Ordinary Seamen.....	3
Engine department:	
Chief Engineer.....	1
First Assistant Engineer.....	1
Second Assistant Engineer.....	1
Third Assistant Engineer.....	1
Engineer Cadet Officer or Cadet.....	1

Rating	Minimum
Engine department—Continued.	
Deck Engineer.....	1
Oilers.....	3
Firemen.....	3
Wipers.....	1
Steward's department:	
Steward.....	1
Chief Cook.....	1
Second Cook and Baker.....	1
Messmen.....	2
Messboy.....	1

<sup>1</sup> It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official log-book to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel, and such action shall not constitute a violation of this manning scale.

<sup>2</sup> With radio auto-alarm.

<sup>3</sup> The Deck Engineer and Wiper required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE.—Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 38-3779; Filed, December 16, 1938; 12:20 p. m.]

## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

#### RULES GOVERNING MISCELLANEOUS RADIO SERVICES\* #

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#### PART 130. DEFINITIONS

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##### SPECIAL PRESS SERVICE

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\*Promulgated under the authority contained in Sec. 4 (1), 48 Stat. 1066; 47 U. S. C. 154 (1)—Sec. 303 (f), 48 Stat. 1082; 47 U. S. C. 303 (f).

# Adopted by the F. C. C. on Dec. 12, 1938 to become effective Jan. 1, 1939.

#### Geophysical Service

##### SEC. 130.01 Geophysical Service.<sup>1</sup>

The term "geophysical service" means a service conducted by stations used in connection with investigations of the physical properties of the earth and its surrounding atmosphere.\* #

SEC. 130.02 Geological station. The term "geological station" means a station used primarily in the investigation of the surface of the earth and the physical characteristics of the strata below the surface of the earth.\* #

#### Special Press Service

SEC. 130.20 Special Press service. The term "special press service" means a limited radio communication service for the transmission of news items or other related material to or from fixed and mobile stations.\* #

SEC. 130.21 Mobile press station. The term "mobile press station" means a station open to public correspondence operating in the special press service for radiotelegraph communication between maritime mobile stations and land stations or with stations of scientific expeditions away from the United States.\* #

SEC. 130.22 Relay press station. The term "relay press station" means a station licensed to transmit to or from points where other communication facilities are not available, news for publication, or orders, instructions, or inquiries concerning such news to be published by the licensee and other publishers of the same news, or to be disseminated by the news association with which the licensee is regularly affiliated.\* #

#### Intermittent Service

SEC. 130.30 Intermittent service. The term "intermittent service" means a

<sup>1</sup> The functions of stations in the geophysical service, other than geological, are in most instances, carried on by agencies of the Federal Government. The Commission has allocated no frequencies to these classes of stations nor have regulations been promulgated governing their operation. Authorizations for the type of service involved are issued under the rules governing experimental stations and contain appropriate limitations and privileges. The various classes of stations in the geophysical service, other than geological, are: "ionosphere stations", operated primarily for the purpose of measuring and recording the characteristics of the ionized layers of the upper atmosphere; "meteorological stations", engaged primarily in scientific studies of the atmosphere; "radio sounding stations", meteorological stations sent aloft for the purpose of obtaining information regarding atmospheric conditions; "hydrological stations", operated primarily for the purpose of measuring, recording, and studying the flow of water; "oceanography stations", engaged primarily in studies of the ocean, the ocean shores, and the ocean bed, exclusive of surveying; "geodesy stations", engaged primarily in determinations of the shape of the earth and its surface, including surveying; "seismology stations", engaged primarily in studies of earthquake phenomena; and "volcanology stations", engaged primarily in studies of physics and phenomena of volcanoes.

radiocommunication service that requires the use of radio for limited periods of time or at irregular intervals of time at locations where other facilities are not available or the use of other facilities is impracticable.\* #

SEC. 130.31 *Motion picture station.* The term "motion picture station" means a station operating in the intermittent service for communication in connection with the filming of motion pictures.\* #

SEC. 130.32 *Provisional station.* A "provisional station" means a station operating in the intermittent service for a limited period under restriction limiting the use of the radio facilities to situations involving safety or where radiocommunication is of practical necessity in connection with projects affecting public welfare.\* #

#### PART 131. GENERAL RULES GOVERNING MISCELLANEOUS SERVICES

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- 131.40 Equipment and service tests  
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##### NON-EXCLUSIVE USE OF FREQUENCIES

- 131.50 Non-exclusive frequencies; coordination

##### Applications

SEC. 131.01 *Individual and blanket applications.* Individual applications for instruments of authorization shall be submitted for each station to be located at a fixed location. Blanket applications for authorizations for identical mobile or portable-mobile radio stations submitted by a single applicant to cover equipment to be used in a single coordinated communication system will be accepted. A blanket application may be submitted by a single applicant for a license or modification of license, covering both the fixed transmitter and mobile or portable mobile transmitters used in a single coordinated communication system.\* #

SEC. 131.02 *Special temporary authority.* A request for special temporary authority to operate on frequencies not allocated to stations in the miscellaneous service or to operate equipment of another class of station, must be received by the Commission not less than ten

days prior to the actual operation thereof, and shall contain complete information concerning the frequencies requested, the license of the station to be used, and evidence that no interference will be caused by the proposed operation. In case of emergencies, which shall be fully explained in the request, the Commission may waive the ten-day requirement specified herein.\* #

##### Licenses

SEC. 131.10 *Term.* The license term for stations in the miscellaneous service, other than provisional stations, (See Sec. 134.10), shall be for a period of one year. The date of expiration of license for stations in the miscellaneous service, unless otherwise specified, shall be the first day of October of each year.\* #

SEC. 131.11 *Posting fixed station licenses.* The station licenses of stations in the miscellaneous service operated at fixed locations shall be conspicuously posted at the place where the control operator is located.\* #

SEC. 131.12 *Posting mobile or portable station licenses.* The licenses of portable and portable-mobile stations shall be readily available for inspection by authorized Government representatives. Either the original authorization or a photocopy of that document shall be available at the portable or portable-mobile station involved.\* #

SEC. 131.13 *Operator license.* The original license of each station operator shall be conspicuously posted at the place he is on duty, or, in the case of portable or mobile units, be kept in his personal possession.\* #

SEC. 131.14 *Logs.* Each licensee shall maintain adequate records of the operation of the station including (a) hours of operation; (b) nature and time of each transmission; (c) name of operator on duty at the transmitter. In the cases of groups of stations, either fixed or fixed and mobile, operating as a single coordinated communication system controlled from a single point, a single log may be maintained at a central location, provided that such log records the required information with respect to all stations in the system.\* #

SEC. 131.15 *Inspection by Commission's representative.* All stations in the miscellaneous service shall be made available for inspection upon request of a representative of the Commission; if any such station is actually engaged in communications which should not be interrupted, this station shall be made available for inspection immediately after conclusion of such communications.\* #

##### Frequency Tolerance

SEC. 131.20 *Tolerance.* The equipment of stations licensed in the miscellaneous service must be capable of maintaining the assigned frequency within the tolerance set out below:

	Equipment authorized before Jan. 1, 1939	Equipment authorized after Jan. 1, 1939
Fixed stations on frequencies below 6000 kc.	0.03%	0.01%
Land stations on frequencies below 6000 kc.	.04	.02
Mobile stations on frequencies below 6000 kc.	.04	.02
Fixed and land stations on frequencies above 30000 kc.	.05	.02
Portable and mobile stations on frequencies above 30000 kc.	.05	.03
Portable and mobile stations of 1 watt or less power on frequencies above 30000 kc.	.1	* #.1

##### Frequency Measurement

SEC. 131.30 *Measurement procedure.* The licensee of each station shall provide for measurement of the station frequency and established procedure for checking it as regularly as good engineering practice may require. These measurements of station frequency shall be made by means independent of the frequency control of the transmitter and shall be of such accuracy that the limit of error is within the frequency tolerance allowed the station.\* #

##### Tests

SEC. 131.40 *Equipment and service tests.* Equipment and service tests as authorized in the rules and regulations may be conducted provided that the necessary precautions are taken to avoid interference.\* #

SEC. 131.41 *Routine tests.* The licensee of stations of this class are authorized to make such routine tests as may be required for the proper maintenance of the station provided that precautions are taken to avoid interference to other stations.\* #

##### Non-Exclusive Use of Frequencies

SEC. 131.50 *Non-exclusive frequencies; coordination.* No frequency available to a station in any of the miscellaneous radio services will be assigned exclusively to any station or applicant. All licensees in each class of miscellaneous service are required to coordinate operation with other licensees in the same class so as to avoid interference and make the most effective use of the frequency or frequencies assigned.\* #

#### PART 132. GEOLOGICAL STATIONS

##### Sec.

- 132.01 Service which may be rendered  
132.02 Power  
132.03 Frequencies

SEC. 132.01 *Service which may be rendered.* Geological stations may be used under specific circumstances where the use of radio is necessary in accomplishing the object of the geological operation.\* #

SEC. 132.02 *Power.* A power exceeding 10 watts will not be authorized for

\* See Sections 22.03 and 22.04.

geological stations, except in cases where the applicant makes a satisfactory showing that due to exceptional atmospheric conditions or other technical reasons 10 watts power is insufficient to accomplish the object of the geological operation in which case power not exceeding 50 watts may be authorized.\* #

SEC. 132.03 *Frequencies.* The following frequencies are allocated for use by geological stations and are available for type A1, A2 and A3 emission:

1602 kilocycles. 30620 kilocycles.  
1628 kilocycles. 31060 kilocycles.  
1652 kilocycles. 33540 kilocycles.  
1676 kilocycles. 35540 kilocycles.  
1700 kilocycles.\* #

#### PART 133. SPECIAL PRESS SERVICE

##### MOBILE PRESS STATIONS

Sec.

##### 133.01 Frequencies

##### RELAY PRESS STATIONS (PORTABLE, MOBILE AND PORTABLE-MOBILE)

133.20 Eligibility for license  
133.21 Special temporary authority  
133.22 Frequencies  
133.23 Availability of frequencies

##### Mobile Press Stations

SEC. 133.01 *Frequencies.* The following frequencies are allocated for use by mobile press stations and are available for Type A1 and A2 emission:

a. Stations east of the Mississippi River:

4705 8360 16750  
6450 11355 22250

b. Stations west of the Mississippi River:

6440 11340 22225  
8350 16700\* #

##### Relay Press Stations (portable, mobile and portable-mobile)

SEC. 133.20 *Eligibility for license.* A license for a relay press station will be issued only to newspapers and press associations; *provided*, however, that in cases where it is impractical, impossible, or prohibited by laws or regulations for the newspaper or press association to install, operate or maintain the necessary equipment under its legal control, the Commission may grant special temporary authority for the purpose of covering a single specific event to other persons to operate as a relay press station equipment already licensed for another service, or equipment which may be installed without construction permit.\* #

SEC. 133.21 *Special temporary authority.* Each request from a person other than a publisher of a newspaper or a press association, for temporary authority to operate a relay press station shall be accompanied by a supporting request from the publisher or press association for whom the news is to be collected.\* #

SEC. 133.22 *Frequencies.* The following groups of frequencies are allocated for assignment to relay press stations and are available for type A1, A2 and A3 emissions:

Group A. For portable-mobile equipment and portable equipment of less than 1 watt power:

30860 kilocycles. 33260 kilocycles.  
33980 kilocycles. 35180 kilocycles.  
37420 kilocycles.

Group B. For low power portable equipment with maximum power of 50 watts:

31980 kilocycles. 33020 kilocycles.  
33580 kilocycles. 35960 kilocycles.  
39020 kilocycles. 39980 kilocycles.\* #

SEC. 133.23 *Availability of frequencies.* Subject to the restrictions set forth in Section 133.22 any or all of the frequencies available for relay press stations may be authorized to any licensee.\* #

#### PART 134. INTERMITTENT SERVICE

##### MOTION PICTURE STATIONS

Sec.

134.01 Notification of use  
134.02 Restrictions on use  
134.03 Frequencies

##### PROVISIONAL STATIONS

Sec.

134.10 Authorizations  
134.11 Frequencies

##### Motion Picture Stations

SEC. 134.01 *Notification of use.* Motion picture station licenses will permit the use of the transmitter only after notification to the Commission and the Inspector-in-Charge of the district in which operation is to be conducted. The notification of intention to use must include the following:

1. A statement as to the period of use desired.
2. The exact points between which communication is desired.
3. A statement that no other means of communication is available or evidence that the use of other means of communication is impracticable.\* #

SEC. 134.02 *Restrictions on use.* Upon receipt of notification of intention to use a motion picture station the Commission may, without notice or hearing, prohibit or terminate its use, or indicate special limitations under which operation may be conducted.\* #

SEC. 134.03 *Frequencies.* The frequencies allocated for use by motion picture stations and available for type A1, A2 and A3 emission, with a maximum power of 250 watts, are as follows:

1652 kilocycles. 33540 kilocycles.  
30620 kilocycles. 35540 kilocycles.  
31060 kilocycles.\* #

##### Provisional Stations

SEC. 134.10 *Authorizations.* Instruments of authorization for provisional stations when issued will be made upon a temporary basis for a specific period of time not to exceed one year under appropriate restrictions and subject to the condition that the authority granted may be revoked at any time without advance notice or hearing. In addition to other requirements of law and regulation, applications for renewal of such authority shall show that the use of the

facilities is not intended as a permanent service.\* #

SEC. 134.11 *Frequencies.* The following frequencies are allocated for use by provisional stations and are available for type A1, A2 and A3 emission, with a maximum power of 50 watts:

31020 kilocycles. 35460 kilocycles.  
31180 kilocycles. 37140 kilocycles.  
31540 kilocycles. 39140 kilocycles.  
33460 kilocycles. 39540 kilocycles.  
33620 kilocycles.\* #

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 38-3777; Filed, December 16, 1938;  
10:41 a. m.]

#### RULES GOVERNING MISCELLANEOUS RADIO SERVICES

The Commission repealed the following rules<sup>1</sup> effective January 1, 1939:

Rule 297, C. F. R., Sec. 131.01.  
Rule 298, C. F. R., Sec. 131.02.  
Rule 299, C. F. R., Sec. 131.10.  
Rule 300, C. F. R., Sec. 131.11.  
Rule 301, C. F. R., Sec. 131.12.  
Rule 349, C. F. R., Sec. 130.01.  
Rule 350, C. F. R., Sec. 130.02.  
Rule 351, C. F. R., Sec. 130.10.  
Rule 352, C. F. R., Sec. 130.11.  
Rule 353, C. F. R., Sec. 130.12.  
Rule 354, C. F. R., Sec. 132.01.  
Rule 355, C. F. R., Sec. 132.10.  
Rule 357, C. F. R., Sec. 132.02.  
Rule 358, C. F. R., Sec. 132.03.  
Rule 359, C. F. R., Sec. 132.11.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 38-3776; Filed, December 16, 1938;  
10:41 a. m.]

#### Notices

#### DEPARTMENT OF THE INTERIOR.

##### National Bituminous Coal Commission.

[General Docket No. 15]

ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS—DETERMINATIONS OF WEIGHTED AVERAGE OF TOTAL COSTS OF TONNAGE PRODUCED WITHIN MINIMUM PRICE AREAS 1, 2, 3, 4, 5, 6, 7, 9 AND 10

NOTICE OF POSTPONEMENT OF DATE FIXED FOR INSPECTION OF INDIVIDUAL COST REPORTS OF PRODUCERS IN MINIMUM PRICE AREAS 1, 2, 3, 4, 5, 6, 7, 9 AND 10

Notice is hereby given that the date upon which individual cost reports of producers within Minimum Price Areas Nos. 1, 2, 3, and 5, as directed to be made

<sup>1</sup> Subject to the proviso that frequencies authorized in existing licenses may be used until the expiration of the term of any such outstanding licenses.

available for inspection by interested parties by the Commission's Order entered herein on December 6, 1938,<sup>1</sup> and the date upon which the individual cost reports of producers within Minimum Price Area No. 4, as directed to be made available for inspection by interested parties by Commission's Order herein dated December 9, 1938,<sup>2</sup> and the date upon which individual cost reports of producers within Minimum Price Areas Nos. 6, 7, 9, and 10, as directed to be made available for inspection by interested parties by Commission's Order herein dated December 6, 1938, is hereby postponed from the 15th day of December, 1938 to a date to be later designated by further order of the Commission.

The Secretary of the Commission is hereby directed to cause a copy of this notice to be mailed forthwith to the Secretary of each District Board, to the Consumers' Counsel, to code members, and to all parties who have entered appearances in this proceeding, and shall cause copies hereof to be posted for public inspection at each of the Statistical Bureaus of the Commission, at the Office of the Commission in the Central Savings Bank Building, Denver, Colorado, and at the Office of the Secretary of the Commission, Washington, D. C., and shall cause a copy of this notice to be published forthwith in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1938.

[SEAL] F. WITCHER McCULLOUGH,  
Secretary.

[F. R. Doc. 38-3775; Filed, December 16, 1938;  
10:23 a. m.]

[Docket No. 496-FD]

ORDER IN THE MATTER OF THE APPLICATION OF WHAT CHEER CLAY PRODUCTS COMPANY FOR EXEMPTION FROM THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937

At a session of the National Bituminous Coal Commission held in its offices in Washington, D. C., on the 14th day of December, 1938.

*It appearing*, that pursuant to the provisions of an Act of Congress approved April 26, 1937, entitled "An Act to regulate interstate commerce in bituminous coal and for other purposes"

(Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, applicant, What Cheer Clay Products Company, on the 18th day of August, 1938, filed with the Commission its application for exemption seeking to avail itself of the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 in so far as the same relates to the bituminous coal alleged to be produced and consumed by it, or produced and transported to itself for consumption by it, and its clay products plant located at What Cheer, Iowa, which application was filed by virtue of the provisions contained in the second paragraph of Section 4-A of the Act; and

*It further appearing*, after considering the allegations made in the verified application of What Cheer Clay Products Company, that applicant is a member of the Bituminous Coal Code; that applicant is a corporation duly organized and existing under and by virtue of the laws of the State of Maine; that applicant is the owner and producer of bituminous coal from a mine located about one mile south of What Cheer, Keokuk County, Iowa; and that all the bituminous coal now produced at such mine is consumed by applicant in its clay products plant located at What Cheer, Iowa;

*Now, therefore*, it is hereby ordered:

That the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 do apply to so much of the bituminous coal produced by What Cheer Clay Products Company at its mine located about one mile south of What Cheer, Keokuk County, Iowa, as is consumed by What Cheer Clay Products Company in its clay products plant at What Cheer, Iowa, and such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Within fifteen (15) days from the date of this Order all interested parties are afforded the opportunity of filing a protest to this determination requesting a hearing on the application and protest. If no such protest be filed, this Order shall become effective fifteen (15) days from this date.

Applicant shall apply annually hereafter, and at such other times as the Commission may require, for renewal of this Order, and on the fifteenth day of each month after the effective date of this Order, applicant shall file a report with the Commission setting forth, for the preceding month, the tonnage of coal

produced at its mine located near What Cheer, Iowa, and consumed in its clay products plant at What Cheer, Iowa, the tonnage of coal sold, the name and address of each purchaser, and the sale price.

The Secretary of the Commission is directed forthwith to mail a copy of this Order to the applicant, to the Consumers' Counsel, and the Secretary of each District Board; and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of December, 1938.

[SEAL] F. WITCHER McCULLOUGH,  
Secretary.

[F. R. Doc. 38-3774; Filed, December 16, 1938;  
10:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1938.

[File No. 31-115]

IN THE MATTER OF WASHINGTON RAILWAY AND ELECTRIC COMPANY

ORDER DENYING EXEMPTION

Washington Railway and Electric Company having made application for exemption from the provisions of the Public Utility Holding Company Act of 1935; notice and opportunity for hearing on said application having been duly given; a hearing<sup>1</sup> having been held on said application; the record in this matter having been duly considered, and the Commission having made appropriate findings of fact as fully set forth in the Commission's Findings of Fact and Opinion this day issued:

*It is ordered*, That the application for exemption be and hereby is denied.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-3778; Filed, December 16, 1938;  
11:14 a. m.]

<sup>1</sup> 3 F. R. 2294 DI.

<sup>1</sup> 3 F. R. 2886 DI.

<sup>2</sup> 3 F. R. 3000 DI.

